

U.S. Department of Labor

Occupational Safety and Health Administration
444 Regency Parkway Drive
Suite 303
Omaha, NE 68114



Citation and Notification of Penalty

To:

Family Dollar Store
and its successors
3552 Leavenworth St
Omaha, NE 68114

Inspection Number: 1366830**Inspection Date(s):** 12/18/2018 - 06/06/2019**Issuance Date:** 06/06/2019**Inspection Site:**

3552 Leavenworth St
Omaha, NE 68114

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling 402-553-0171. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 06/06/2019. The conference will be held by telephone or at the OSHA office located at 444 Regency Parkway Drive, Suite 303, Omaha, NE 68114 on _____ at _____ . Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1366830

Company Name: Family Dollar Store
Inspection Site: 3552 Leavenworth St, Omaha, NE 68114
Issuance Date: 06/06/2019

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 444 Regency Parkway Drive, Suite 303, Omaha, NE 68114**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review



Citation and Notification of Penalty

Company Name: Family Dollar Store
Inspection Site: 3552 Leavenworth St, Omaha, NE 68114

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.36(d)(1): Employee(s) were not able to open an exit route door from the inside at all times without keys, tools, or special knowledge.

The employer is failing to protect employees from emergency evacuation hazards associated with unimpeded/instant access to exit routes out of the building in the event of a fire or other emergency. This was most recently documented on December 18, 2018 at Family Dollar located at 3552 Leavenworth Street, Omaha NE.68114.

The employer had employee's working in the store where the emergency exit door was locked with a scissor-lock mechanism requiring special knowledge to open.

Abatement certification is required for this violation. The abatement certification sheet is enclosed with citation.

Date By Which Violation Must be Abated:	07/02/2019
Proposed Penalty:	\$10419.00



Citation and Notification of Penalty

Company Name: Family Dollar Store
Inspection Site: 3552 Leavenworth St, Omaha, NE 68114

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1910.305(j)(1)(i): Fixtures, lampholders, lamps, rosettes, and receptacles may have no live parts normally exposed to employee contact.

The employer is failing to protect employees from potential electrical hazards. The overhead fluorescent lighting, near wash basin in back room, had exposed live parts that were not protected from contact. This was most recently documented on December 18, 2018 at Family Dollar located at 3552 Leavenworth St Omaha, NE 68114.

Abatement certification is required for this violation. The abatement certification sheet is enclosed with citation.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/02/2019
\$10419.00



Citation and Notification of Penalty

Company Name: Family Dollar Store
Inspection Site: 3552 Leavenworth St, Omaha, NE 68114

Citation 2 Item 1 Type of Violation: **Repeat**

29 CFR 1910.37(a)(3): Exit routes were not free and unobstructed. No materials or equipment may be placed, either permanently or temporarily, within the exit route.

The employer is failing to protect employees from fire/emergency hazards associated with having obstructed exit routes. This was most recently documented on December 18, 2018 at Family Dollar located at 3552 Leavenworth St Omaha, NE 68114. The emergency exit door located in back room at the top of the stairs, adjacent to the conveyor, was obstructed. Employees would be unable to easily access the emergency exit in the event of a fire or other emergency.

Family Dollar was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.37 (a)(3) which was contained in OSHA inspection number 1248198, citation number 1, item number 1 and was affirmed as a final order on 10/03/2017, with respect to a workplace located at 730 Center Street, Auburn, ME 04210.

Family Dollar was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.37(a)(3) which was contained in OSHA inspection number 1133313, citation number 1, item number 2 and was affirmed as a final order on 08/23/2016, with respect to a workplace located at 541 Smith Street, Providence, RI 02908.

Abatement certification and documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs, or videos which you believe will be helpful. The abatement certification and abatement documentation sheet is enclosed with citation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/02/2019
\$104192.00



Citation and Notification of Penalty

Company Name: Family Dollar Store
Inspection Site: 3552 Leavenworth St, Omaha, NE 68114

Citation 2 Item 2 Type of Violation: **Repeat**

29 CFR 1910.101(b): The in-plant handling, storage, and utilization of all compressed gases in cylinders, portable tanks, rail tank cars, or motor vehicle cargo tanks were not in accordance with Compressed Gas Association Pamphlet P-1-1965, which is incorporated by reference as specified in CFR 1910.6:

The employer is failing to protect the employees from fire, explosion, and struck by hazards due to gas cylinders not being properly supported to prevent them from being knocked over, as described in Section 3.4.4 of the Compressed Gas Pamphlet. This was most recently documented on or about December 18, 2018 at the Family Dollar store, located at 3552 Leavenworth St, Omaha, Nebraska 68114.

The employer had unsecured Helium cylinders stored near the access doorway/route between the front and back of the store exposing them to unintentional contact and risk of being knocked over.

Family Dollar was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.101(b), which was contained in OSHA inspection number 1066819, citation number 1, item number 2 and was affirmed as a final order on 8/28/2015, with respect to a workplace located at Family Dollar 1175 State Street Bridgeport, CT 06605.

Abatement certification and documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs, or videos which you believe will be helpful. The abatement certification and abatement documentation sheet is enclosed with citation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/02/2019
Proposed Penalty:	\$52096.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Family Dollar Store
Inspection Site: 3552 Leavenworth St, Omaha, NE 68114

Citation 2 Item 3 Type of Violation: **Repeat**

29 CFR 1910.303(b)(2): Listed or labeled equipment was not installed and used in accordance with any instructions included in the listing or labeling.

The employer is failing to protect employees from electrical hazards. This was most recently documented at the Family Dollar store, located at 3552 Leavenworth Street, Omaha, Nebraska on December 18, 2018 and February 22, 2019.

- a) The employer has kitchen appliances, including a Proctor-Silex coffee pot; small refrigerator; Hamilton Beach microwave; and Sanyo microwave plugged into portable power tap (power strip) that were "daisy chained". These appliances had an amperage load in excess of the relocatable power tap that the appliances were connected to.

- b) The employer has kitchen appliances, including Hamilton Beach microwave, Sanyo microwave, Bella Toaster Oven, Proctor-Silex coffee pot, and the Intertec Space Heater plugged into a relocatable power tap. These appliances had an amperage load in excess of the relocatable power tap that the appliances were connected to.



Citation and Notification of Penalty

Company Name: Family Dollar Store
Inspection Site: 3552 Leavenworth St, Omaha, NE 68114

Family Dollar was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.303(b)(2), which was contained in OSHA inspection number 1062034, citation number 3, item number 1 and was affirmed as a final order on 10/22/2015, with respect to a workplace located at Family Dollar Stores, Incorporated, dba Family Dollar Store - #6986, 501 West Main Street, Plymouth, PA 18651.

Abatement certification and documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs, or videos which you believe will be helpful. The abatement certification and abatement documentation sheet is enclosed with citation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/02/2019
Proposed Penalty:	\$41674.00



Citation and Notification of Penalty

Company Name: Family Dollar Store
Inspection Site: 3552 Leavenworth St, Omaha, NE 68114

Citation 2 Item 4 Type of Violation: **Repeat**

29 CFR 1910.303(g)(1): Sufficient access and working space was not provided and maintained about all electric equipment (operating at 600 volts, nominal, or less to ground) to permit ready and safe operation and maintenance of such equipment:

The employer is failing to protect the employees from electrical and fire hazards. This was most recently documented on or about December 18, 2018 at the Family Dollar store, located at 3552 Leavenworth Street, Omaha, NE 68114.

The breaker control panels were observed in the stocking area of the store as being blocked by multiple carts, merchandise, and boxes, and were not accessible for safe operation or maintenance of electrical panels. Two blocked electrical panels were noted and observed in back room.

Family Dollar was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.303(g)(1) which was contained in OSHA inspection number 1062034, citation number 2, item number 1 and was affirmed as a final order on 10/22/2015, with respect to a workplace located at Family Dollar 501 West Main Street, Plymouth, PA.

Abatement certification and documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs, or videos which you believe will be helpful. The abatement certification and abatement documentation sheet is enclosed with citation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/02/2019
Proposed Penalty:	\$83347.00



Citation and Notification of Penalty

Company Name: Family Dollar Store
Inspection Site: 3552 Leavenworth St, Omaha, NE 68114

Citation 3 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.305(g)(1)(iv)(C): Flexible cords and cables were not approved for conditions of use and location as the flexible cords were run through doorways, windows, or similar openings:

The employer is failing to protect the employees from electrical hazards associated with running temporary extension cords under doors. This was most recently observed February 22, 2019 at the rear of the Family Dollar store, located at 3552 Leavenworth Street in Omaha, Nebraska. 68114

This condition was created by the employer routing and extension cord from break area (where multiple appliances were supplied), to the power source in the back room office area.

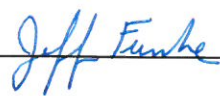
Abatement certification is required for this violation. The abatement certification sheet is enclosed with citation.

Date By Which Violation Must be Abated:

07/02/2019

Proposed Penalty:

\$0.00



Jeff Funke
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
444 Regency Parkway Drive
Suite 303
Omaha, NE 68114



INVOICE / DEBT COLLECTION NOTICE

Company Name: Family Dollar Store
Inspection Site: 3552 Leavenworth St, Omaha, NE 68114
Issuance Date: 06/06/2019

Summary of Penalties for Inspection Number	1366830
Citation 1, Serious	\$20838.00
Citation 2, Repeat	\$281309.00
Citation 3, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$302147.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your

original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

Jeff Funke

Area Director

6/6/19
Date